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Jackson Family Farms, LLC*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

JACKSON FAMILY FARMS, LLC,

Plaintiff,

vs.

JERRY MOORE,

Defendant.

Case No. 3:24-cv-06763-TLT

**PLAINTIFF JACKSON FAMILY
FARMS, LLC'S OPPOSITION TO
DEFENDANT JERRY MOORE'S
ADMINISTRATIVE MOTION TO
CONTINUE THE PARTIES' RULE 26(F)
CONFERENCE AND THE INITIAL
CASE MANAGEMENT CONFERENCE,
AND TO STAY DISCOVERY**

Judge: Hon. Trina L. Thompson

Plaintiff, Jackson Family Farms, Inc. ("Plaintiff"), hereby opposes the Administrative Motion to Continue the Parties' Rule 26(f) Conference and the Initial Case Management Conference, and to Stay Discovery filed by Defendant, Jerry Moore ("Defendant").

As an initial matter, Plaintiff objects to the length of Defendant's motion because it is eleven (11) pages long. Under Northern District of California Civil Local Rule 7-11(a), "a motion for an order concerning a miscellaneous administrative matter may not exceed 5 pages." Defendant's

1 motion is more than double the permissible page limit. Therefore, the Court should disregard all
2 pages in excess of the limit.

3 Further, Defendant has failed to carry his burden to establish that a stay of proceedings and
4 discovery is warranted. Although Defendant stated that a stay is justified because his motion to
5 dismiss is pending, “[t]he Federal Rules of Civil Procedure do not provide for automatic or blanket
6 stays of discovery when a potentially dispositive motion is pending.” *Shift4 Corp. v. Martin*, No.
7 2:11-cv-01315-MMD-PAL, 2012 WL 3206027, *2 (D. Nev. Aug. 3, 2012) (citing *Skellercup*
8 *Indus. Ltd. v. City of L.A.*, 163 F.R.D. 598, 600–01 (C.D. Cal. 1995) (stating that if the Federal Rules
9 contemplated that a motion to dismiss under Rule 12(b)(6) would stay discovery, they would have
10 explicitly so stated, and finding that a stay of discovery was directly at odds with the need for the
11 expeditious resolution of litigation). Other than his motion being dispositive, Defendant has not
12 shown that the “circumstances justify an exercise of that discretion.” *Nken v. Holder*, 556 U.S. 418,
13 433–34 (2009).

14 Plaintiff will be prejudiced by a continuance. Following Defendant’s numerous litigation
15 threats, Plaintiff brought the instant action seeking a judicial declaration that Plaintiff’s conduct does
16 not infringe Defendant’s alleged trademark rights. Plaintiff has invested in, and continues to invest
17 in, the JETT brand. As such, any delays in these proceedings prolong the real and reasonable
18 possibility that Plaintiff will suffer significant financial losses should the Court find in Defendant’s
19 favor.

20 While Plaintiff believes that neither a stay of the scheduled case management conference nor
21 the opening of discovery is warranted, Plaintiff’s primary concern is ensuring that the case is in a
22 position to proceed without undue delay should the court deny the motion to dismiss. Immediately
23 initiating discovery is less important to Plaintiff, so Plaintiff is willing to voluntarily hold on serving
24 any discovery until after the Court has decided the pending motion, but Plaintiff requests that the
25 scheduled case management conference remains on calendar, or that the Court reschedule the case
26 management conference so that it occurs concurrently with the hearing for the pending motion on
27 February 4, 2025. In this way, should the Court deny the pending motion, the case is prepared to
28 proceed without undue delay.

1 DATED: December 9, 2024

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3 By: 

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